

**AFFIDAVIT IN SUPPORT OF**  
**AN APPLICATION FOR A CRIMINAL COMPLAINT**

I, James V. Richardson, a Special Agent (SA) with Homeland Security Investigations, being duly sworn, hereby depose and state as follows:

**INTRODUCTION**

1. This affidavit is submitted in support of an application for a criminal complaint charging Jose A. CORTES a/k/a Jose Cortez with production of child pornography in violation of 18 U.S.C. § 2251(a) and possessing child pornography in violation of 18 U.S.C. § 2252(a)(4).

**AGENT BACKGROUND**

2. I am a Special Agent with Homeland Security Investigations ("HSI") assigned to the Providence Office, in Warwick, RI. I have been so employed since 2009. As a federal agent, I am authorized to investigate violations of laws of the United States and to execute warrants issued under the authority of the United States. Among my current duties, I am responsible for the investigation of federal offenses involving the production, transportation, distribution, receipt, and sale of child pornography in violation of Title 18, United States Code, Sections 2252 and 2252A.

3. I have conducted and assisted in conducting numerous investigations into the violation of both state and federal laws relating to the possession, receipt, transportation, distribution, and production of child pornography and obscene visual representations of the sexual abuse of children over the Internet. I have received training in investigations relating to the sexual exploitation and physical sexual abuse of minors. I have reviewed hundreds of images and videos of actual and suspected child pornography, child erotica, and obscene visual representations of the sexual abuse of children. I have received training in the investigation of crimes involving the sexual exploitation of children by attending both seminars and courses. I have investigated child pornography cases and related sexual offenses on a full time basis since approximately January 2010.

4. On April 17, 2018, I met with Central Falls Detective Jeffrey K. Araujo, and he advised me for facts pertaining to the investigation leading to the arrest of Jose A. CORTES a/k/a Jose Cortez on Rhode Island state child pornography offenses. Detective Araujo has been a member of the Central Falls Police Department and has been continuously employed in that capacity for the past seventeen years (17) years. He was appointed to the Detective Bureau since July of 2005, and has been continuously employed in such capacity, and, as such, has investigated any and all crimes in violation of the General Laws of the State of Rhode Island and Providence Plantations.

The statements contained in this affidavit are based upon my conversations with Detective Araujo and my training and experience.

5. Because this affidavit is being submitted for the limited purpose of securing a complaint, I have not necessarily included each and every fact known to me concerning this investigation, but rather those facts I believe are necessary to establish probable cause. Unless otherwise indicated, where actions, conversations, and statements of others are related herein, they are related in substance and in part.

#### PROBABLE CAUSE

6. On November 20, 2017, A.M. came to the Central Falls Police Department and spoke with Officer Randy Bell. A woman who shall be identified hereinafter as "A.M." came to the station to talk to someone about possible child molestation allegations involving her ex-boyfriend Jose A. CORTES. A.M. arrived at the station with electronic devices that she identified as belonging to her CORTES. The devices included tablets (3), cell phones (6), SIM card (1), and memory cards (2), and an MP3 player. A.M. told Officer Bell that she had reason to believe her ex-boyfriend Jose CORTES may have molested her daughter, Minor Victim #1 (MV#1), DOB: [REDACTED] 2011. On said report date, A.M. learned from two friends, O.R. and A.D., about this possible child molestation. For several months, these friends had been concerned and suspected CORTES may have molested [REDACTED]. On this date, they decided they had to tell A.M. about their concerns because CORTES was in jail.<sup>1</sup>

7. A.M. also told Officer Bell there may be electronic devices or desktop computers in the apartment she shared with CORTES and which CORTES may have used in the past. She believed there were at least two (2) desktop computers somewhere in the house. She told him that she had not touched or moved anything.

8. Central Falls Detective Jeffrey Araujo interviewed O.R. who advised that in late May or June of 2017, he and CORTES were drinking at CORTES and A.M.'s shared apartment at [REDACTED] Hedley Avenue, [REDACTED] Central Falls, RI, in the living room. O.R. said they were drinking a lot, and then CORTES said he wanted to confide about some things. First CORTES said he was molested as a young boy by his Aunt in Puerto Rico. CORTES stated that this his happened a lot. The family then moved from Puerto Rico to RI when he was still young. When they got to RI, he started to molest [REDACTED]

---

<sup>1</sup> I am aware that CORTES and A.M. has a history of domestic incidents. On October 20, 2017, CORTES was arrested in connection with an alleged domestic violence incident involving A.M.. He was released on bail and a no contact order issued. Notwithstanding the no contact order, CORTES is believed to have been living with A.M. following the October 20, 2017 arrest. On November 18, 2017, CORTES was arrested following another alleged domestic violence incident involving A.M. and was held as a violator of the no contact order.

(unknown ages of each respectively). Then CORTES told O.R. "I'm going to show you something." CORTES proceeded to pull out a tablet and went to an internet site. O.R. described it as a "black market type" site. The entire site was in Japanese or something. CORTES showed O.R. a bunch of pictures and videos of young children and babies engaged in sexual activities, being assaulted by older men. The friend said that he really started to get bothered by the child pornography images. CORTES then said to O.R. stating, "Oh, you're not ready for this then...?" CORTES then went to another file and started showing pictures of himself [CORTES] touching and engaged in sexual acts with a young girl and other kids. O.R. identified the girl as A.M.'s daughter and CORTES' stepdaughter.<sup>2</sup> CORTES then showed the friend a video of him [CORTES] forcing the child to suck on his penis. CORTES also told O.R. that he would bribe A.M.'s son DOB: [REDACTED] 2010 (his other stepchild with A.M.) with candy to leave the room while he molested MV#1. Moreover, CORTES said he went after children, because they are too young and can't say anything to people. O.R. was now really bothered and said he was leaving. CORTES became upset, and told O.R., "If you tell anyone, I'll kill you!"

9. According to O.R., after CORTES showed him these materials, he did not know what to do. O.R. told his friend A.D. and another friend B. LNU about this at some point. Previously, O.R., A.D., and CORTES were all close friends. But since CORTES showed the materials to O.R., neither O.R. nor A.D. has since seen or wanted to hang out with CORTES. Finally, after much talk, on 11.20.2017, O.R. and A.D. went to tell A.M. of their concerns about the images and possible molestation involving MV#1.

10. Central Falls Detective Jeffrey Araujo obtained five RI state search warrants as part of the investigation for the electronic devices from A.M., the residence on Hedley Avenue, the devices recovered from Hedley Avenue, the cell phone surrendered to the RI ACI upon CORTES' arrest, and for passwords to the two ZTE devices delivered by A.M. to the Central Falls Police Department (one phone and one tablet).

11. On 12.05.2017, RI State Police Computer Crimes Unit (Analyst Brittnee Morgan) conducted a preliminary examination of CORTES' memory card and observed over 1,400 deleted images of child pornographic material on that one memory card.

12. Subsequent examination of a Nextbook tablet, which was one of the devices A.M. brought to the Central Falls Police Department on November 20, 2017, revealed additional child pornography still images and videos. The cache in the Nextbook contained still images of MV#1. In those images, the child is in various stages of undress and some of the images show lascivious display of the child's vagina. In some images, the child is spreading her vulva to show her vagina with her hands, and

---

<sup>2</sup> A.M. and CORTES have never been married. However, she and their mutual friends refer to her children as CORTES' stepchildren.

in another image it appears that the index finger of an adult male hand is beginning to penetrate her vagina. In another images, the child appears to be sleeping next to an adult penis. The Nextbook also contained a video that depicted a prepubescent female with legs bound by rope and tied up being vaginally penetrated with what appears to be an adult penis.

13. MV#1 has not spontaneously disclosed any abuse or sexual contact by CORTES. After A.M. made the report to the Central Falls Police Department, MV#1 was brought for a physical exam at the Aubin Center. The treating physician said that MV#1 refused to participate in any physical examination. The treating physician also noted that although no disclosure was made by MV#1, it was not uncommon for children who have been sexually abused to delay disclosure. Because of MV#1's reaction to the Aubin Center exam and current demeanor, a forensic interview has not yet been conducted.

14. A.M. advised Detective Araujo that she was not allowed to have access CORTES' electronic devices. When asked about his passwords, she said that she did not know them because he would never share passwords with her.

15. In total, three storage devices recovered during the investigation were found to contain child pornography. The investigation is ongoing and some of the remaining devices have not yet been able to be searched. To date, we have not recovered videos similar to those described by O.R. Analyst Morgan advised that it appears that CORTES had deleted material from some of the seized materials.

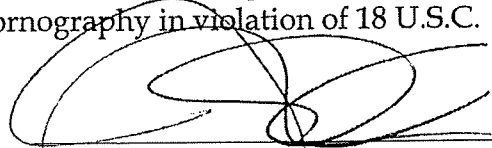
16. CORTES was arraigned on December 13, 2018 on Rhode Island state possession of child pornography charges. He was released on a \$25,000 surety bond on December 13, 2018.

#### REQUEST FOR SEALING

17. Because this matter involves a minor victim, I request that the Court issue an order that the complaint and affidavit in support thereof and all attachments thereto be filed under seal until further order of this Court, except that representatives of Homeland Security Investigations and United States Attorney's Office may obtain copies. The United States will move for limited unsealing of the complaint at arraignment, to provide defense counsel with a copy of the complaint.

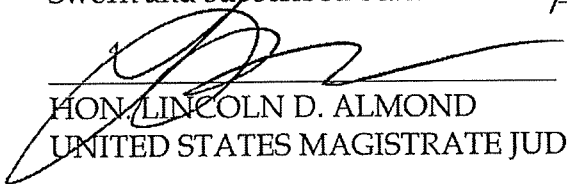
CONCLUSION

18. Based on the above, I believe there is probable cause for a criminal complaint to issue charging Jose A. CORTES with production of child pornography in violation 18 U.S.C. § 2251(a) and possessing child pornography in violation of 18 U.S.C. 2252(a)(4).



James V. Richardson  
Special Agent  
Homeland Security

Sworn and subscribed before me this 17th day of April 2018.



HON. LINCOLN D. ALMOND  
UNITED STATES MAGISTRATE JUDGE